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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Second and third periodic reports of the States parties*

REPUBLIC OF BULGARIA

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* For the initial report submitted by the Government of Bulgaria, see CEDAW/C/5/Add.15; for its consideration by the Committee, see CEDAW/C/SR.49, 50 and 54 and Official Records of the General Assembly, Fortieth Session, Supplement No. 45 (A/40/45), paras. 74-126.

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FOREWORD

In accordance with the terms and conditions set out by the Committee on the Elimination of Discrimination against Women, the Government of the Republic of Bulgaria submits its second and third consolidated periodic reports for 1985-1993 under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.

The present report is a follow-up to Bulgaria's initial report, submitted in 1985 (CEDAW/C/5/Add.15).

Since the submission of the initial report, radical changes have taken place in Bulgaria, the pace and depth of which are making it very difficult to provide up-to-date information on most issues, relating to the provisions of the Convention. However, the presentation of relevant updated information on legislation and practice is the main purpose of the present report.

The information contained in the present report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women was discussed at a meeting of representatives of competent institutions and women's non-governmental organizations.

In the Republic of Bulgaria, the basic international instruments in the field of human rights, the Convention on the Elimination of All Forms of Discrimination against Women included, have been translated into Bulgarian and published in collection books with the financial support of the Information Service of the United Nations Office at Geneva. These collections have been widely distributed by the Ministry of Foreign Affairs of Bulgaria.

I. OVERVIEW

A. Demography

1. The demographic picture in Bulgaria is characterized by the negative trends in almost all demographic processes, which has led to a considerable decrease in the population of the country. According to data from the last census, carried out on 4 December 1992, the population in Bulgaria is 8,473,000 inhabitants, 476,000 less than in 1985. This is the first time that negative demographic trends have appeared since the liberation of the country from the Turkish yoke. All censuses done since 1878, except the last one, have shown positive growth in the population.

2. Tables 1 and 2 below show data on the proportion of males to females, and on the percentage of urban population and mean density of country territory, based on censuses done in 1975, 1985 and 1992.

Table 1. Population censuses data

Year	Total	Males	Females	Urban population	Density per km2
		(thousands)		(percentage)	
1975	8 728	4 358	4 370	58.0	78.7
1985	8 949	4 433	4 516	64.8	80.6
1992	8 473	4 163	4 310	67.1	76.3

Source: National Statistical Institute.

Table 2. Number of females per one thousand males

Year	Total	Urban	Rural
1975	1 003	1 010	993
1985	1 019	1 024	1 008
1992	1 035	1 043	1 019

Source: National Statistical Institute.

3. Table 2 makes evident the tendency towards an increase in the share of females to males in the total population. This tendency is stronger in towns than in villages.

4. The tendency to negative population growth is illustrated by table 3 below.

Table 3. Population growth

Year	Birth rate	Death rate	Natural increase
	(per thousand inhabitants)		
1980	14.5	11.1	3.4
1990	11.7	12.1	-0.4
1991	10.7	12.3	-1.6
1992	10.5	12.7	-2.2

Source: Institute of Demography, Bulgarian Academy of Sciences.

Table 4. Demographic trends based on sex

Year	Live born males per 1,000 live born females	Dead males per 1,000 dead females
1980	1 064	1 204
1990	1 056	1 224
1991	1 067	1 188
1992	1 064	1 237

Source: Institute of Demography, Bulgarian Academy of Sciences.

5. According to data of the Institute of Demography, the marriage rate (per 1,000 inhabitants) has declined as follows: 7.9 in 1980, 6.7 in 1990, 5.4 in 1991 and 5.3 in 1992.

6. A strong proof of the demographic crisis in Bulgaria is the decrease in the birth rate over the last 10 to 15 years: from 16.6 per thousand in 1976, to 12.5 in 1989, 11.7 in 1990, 10.7 in 1991 and 10.5 in 1992. The absolute number of births in 1992 was 89,788 or twice less than the births in 1910 (the population of the country then was twice less than now), and equal to the births in 1950 (the population was much less than now). In 1980 there were 2.1 children on average per one female of fertile age, in 1992 - 1.5 children average.

7. Another characteristic of the demographic situation of the country is the low age of mothers at first birth and low mean age of mothers at birth in general. In 1979, the mean age of mothers at birth was 25.3 and in 1991 it was 23.6. These data exhibit the tendency to early marriages in Bulgaria, unlike in the other European countries.

8. At the same time the percentage of births out of wedlock has increased: from 8 per cent in 1960 to 18.5 per cent in 1992.

9. Infant mortality rate in Bulgaria showed a considerable decrease for the period 1960-1990 but has increased since 1990: 12.2 per cent of the total number of births in 1960, 6.1 per cent in 1990 and 7.3 per cent in 1992.

B. The economy

10. In terms of the economy, prior to the reforms Bulgaria was characterized, inter alia, by its central planning of the economy, forcing development of heavy industry to the detriment of consumer-led production and of the service sector, prohibition of private ownership of the means of production and monopoly of foreign trade.

11. According to the new Constitution, the country's economic development is based on the principle of free economic initiative, and the State establishes and guarantees the necessary legal conditions for the economic activity of the citizens and for protecting consumers from abuse by monopolies and unfair competition (art. 19).

12. After the establishment of its new democratic political order, Bulgaria started with radical economic reforms aimed at introducing market mechanisms in its economy, which include the following main components:

(a) Transition from a centrally planned to a market economy;

(b) Institution of market-oriented fiscal and monetary policy;

(c) Restitution of confiscated private property;

(d) Privatization;

(e) Agrarian reform;

(f) Endeavour for greater integration with the European Union and the international economy as a whole, including for more foreign investments.

13. During the process of economic reform, a number of obstacles were encountered in Bulgaria owing to negative consequences from the past, newly emerging problems or as a result of the implementation of international resolutions and decisions. The structural reforms in the economy and the transformation of the State property proved to be much more difficult and complicated than initially expected. The State enterprises have big debts from the past that have to be transformed and undertaken by the State. The loss of the former Soviet markets, the old-fashioned technical base of a lot of the factories and the new system of taxes additionally posed grave and severe problems that led to a continuing decrease of production (10 per cent for 1993), high level of unemployment, and a high level of inflation (63.9 per cent for 1993).

14. The big foreign debts of the country (more than 10 billion United States dollars) are also posing a heavy burden on the realization of the economic reforms. Foreign investment in Bulgaria remains limited as a result of the conflict in the former Yugoslavia, especially in Bosnia and Herzegovina, which makes the region insecure for foreign capital. In addition, we have to underline the fact that the Bulgarian economy lost approximately $2.5 billion because of the strict implementation of the Security Council sanctions against Iraq and the Libyan Arab Jamahiriya and about $3.5 billion from the implementation of the sanctions against the former Yugoslavia.

15. Consequently, the standard of living of the population dropped significantly. The number of people who are living below minimum social standards is continuously growing. The Government has undertaken significant measures to alleviate the living conditions of the socially vulnerable groups, within the framework of its financial possibilities, which are limited because of the economic crisis and its restrictive fiscal policy. However, the standard of living of a large part of the population is continuing to fall. The price of the economic reforms is very high for the Bulgarian people. This is especially true for women, whose position prior to the reforms had been more vulnerable despite some considerable social achievements with respect to the equality of women under the previous political and economic system.

C. Political situation

16. The characteristic features of the political system prevailing in Bulgaria prior to the reforms were, inter alia, a one-party system of Government, absence of opposition, ideologization of the entire political, economic and social life, restriction of the civil and political rights of the citizens, including women, and preference to economic and social rights.

17. Article 1 of the new Constitution of the Republic of Bulgaria, adopted by the Grand National Assembly on 12 July 1991, reads:

> "(1) Bulgaria shall be a republic with a parliamentary form of Government.
>
> (2) The entire power of the State shall derive from the people. The people shall exercise this power directly and through the bodies established by the Constitution.
>
> (3) No part of the people, no political party nor any other organization, state institution or individual shall usurp the expression of the popular sovereignty."

18. The Republic of Bulgaria is defined by its new Constitution as a democratic republic with a parliamentary form of Government, a State governed by the rule of law where supreme power is vested in the people, who exercise this power directly, in elections, consistent with the principle of the separation of legislative, executive and judicial powers.

19. Legislative power in Bulgaria is exercised by parliament, consisting of one chamber called a National Assembly. The 240 members of the National Assembly are elected at general, equal and direct elections by secret ballot for a four-year mandate. Parliament has at its disposal very broad powers, including those concerning the ratification of the international instruments referred to in the Constitution. These include the instruments relating to fundamental human rights (article 85, paragraph 1, item 6 of the Constitution).

20. The President and the Council of Ministers are the supreme executive authorities. The President is the Head of State and is elected directly for a five-year term. A representative nominated by the largest parliamentary group forms the cabinet upon the request of the President. The Prime Minister and the Cabinet nominated by him are then elected by a parliamentary vote of confidence or no confidence. Municipal councils and the mayors constitute the local self-government authorities. They are elected by the residents of their municipalities for a period of four years.

21. The judiciary power is exercised by the Court, prosecutors and investigating authorities.

22. Each of the three branches (legislative, executive and judicial) is independent of the others and relations between them are functional.

23. The Constitution envisages the establishment of a Supreme Administrative Court with the purpose of supervising administrative jurisdiction.

24. The Constitutional Court was established in 1991 and operates outside the judicial system. The main purpose of this institution is to provide mandatory interpretations of the Constitution and to rule on queries concerning the constitutionality of the acts of the National Assembly.

II. GENERAL REVIEW OF THE SITUATION OF WOMEN PRIOR TO THE REFORMS (1985-1989)

25. The equality of women with men was formally proclaimed in the Bulgarian Constitutions of 1947 and 1971 and was guaranteed in other legislation. That commitment was expressed also in social welfare measures aimed at assisting women to combine their professional engagements with their family responsibilities. Most of these measures concerned child-care facilities and some attempts to socialize domestic labour through the provision of kindergartens and child-kitchens, etc. Today, it is widely recognized that the main reason for the institution of those measures was to increase women's labour participation, because the extensive nature of the economy needed the labour force of women. Bulgarian women had equal access with men to academic and other education. In 1988, women accounted for 48.9 per cent of all enrolled students and in 1989 they accounted for 48.8 per cent. In 1988, women constituted 64.9 per cent of university professors and in 1989, 59.2 per cent. Despite the existence of the quota system facilitating the participation of women in the structures of the decision-making process, their presence in the Parliament and the local bodies of power, as well as in the Government, remained a symbolic one, since it was the result of an ideologically motivated principle. From the

retrospective point of view, equality was more granted to women as a kind of privilege rather than considered and implemented as a basic human right.

26. Article 35 of the Constitution of 1971 proclaimed the equality of women with men, while other articles ensured the protection of maternity, child care and family. Mothers were allowed generous maternity leave for pregnancy, childbirth and the raising of children. The leave began 45 days prior to birth and continued, if the mother so desired, until the child was three years old. The leave was paid, in the case of the first, second and third child, until the child was two years old, then unpaid leave could be taken. The additional leave could be used by the father, although this right was rarely exercised in practice, or by his or the mother's parents, upon the agreement of the mother, and the employer could not refuse to grant such leave.

27. The intention of these, to a certain extent, privileged provisions was to support maternity for demographic purposes while encouraging a three-child family model. Above all, they were designed to support the combination of women's dual and even triple role as "workers, mothers and socially engaged persons". Without questioning the good intentions of those provisions, we have to point out that in practical terms they have posed a lot of serious obstacles to women, who accounted for almost 50 per cent of the total labour force in the 1980s.

28. The main problem for women lay, however, in the fact that they were legislatively defined as workers and mothers. There was no equivalent definition of men as workers and fathers. That definition structurally enshrined a dual even triple role for women, resulting from a considerable pressure on them to play a part in social or political organization on top of their paid labour and unpaid domestic work. The double or triple burden meant that women in Bulgaria suffered severe stress and overwork, despite their great potential capabilities and traditional commitment to family responsibilities. Women remained responsible for the overwhelming majority of child care and household work. In practical terms, it meant that the fully employed women spent almost all of their free time on travelling to work, shopping, cooking and looking after children. To sum up, the legislative provisions and social measures protecting maternity contributed to a certain extent to the enshrinement of the unequal division of domestic and family responsibilities to the detriment of women. As a result, women often perceived, particularly seen in retrospect, the right to work as an obligation, a duty in addition to their family responsibilities, rather than a right they could positively enjoy. Consequently, the goal of the emancipation of women by their participation in the paid labour force has been considerably discredited by the existence of a double or triple burden on women.

29. The principle of equality between the sexes was valid and consequently upheld in Bulgaria with respect to employment. The main indicator of equality was equal pay for equal work. Bulgaria has ratified the 1951 International Labour Organization (ILO) Convention (No. 100) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value. One of the basic tenets of equality in employment was the "same salary for the same work". Men and women received equal pay for equal work.

30. That did not mean, however, that women enjoyed equal de facto status with men in terms of structural and functional distribution of employment. In some branches of the economy, such as education and health care, women predominated. Over time, it became accepted that professions such as teaching, medicine and dentistry would be dominated by women. That situation, namely the feminization of professions, had a number of negative effects, including a sharp reduction in the prestige of those professions and an impact on the respective salaries. Analysis of the structure of a variety of professions by job category revealed that men and women were not equally represented. Although a comparatively equal representation of women and men was found at the lower levels, the higher up in the executive hierarchy the fewer women were found. In addition, there were certain professions that were considered as prestigious and preserved almost exclusively for men, for example, diplomacy, where the participation of women was a symbolic one.

III. IMPLEMENTATION OF THE CONVENTION DURING 1990-1993

Articles 1 to 3: Policy measures to eliminate discrimination

31. The rights of Bulgarian citizens were raised into constitutional principle in the new Constitution of the Republic of Bulgaria, adopted by the Grand National Assembly on 12 July 1991. Article 6 of the Constitution proclaims the following:

> "All persons are born free and equal in dignity and rights.
>
> "All citizens shall be equal before the law. There shall be no privileges or restriction of rights on the grounds of race, nationality, ethnic self-identity, sex, origin, religion, education, opinion, political affiliation, personal or social status or property status."

32. This principle was further elaborated in other legislation of the country. The Bulgarian penal law guarantees the equality of all citizens before the law, as well as their equal opportunities to defend their rights in the court in case of violation of those rights.

33. In order to go to court, Bulgarian women do not need the approval of their husbands, fathers or other relatives, except in cases where common interests are concerned, such as common property of both spouses.

34. Women and men are equally protected from damage caused by institutions or officials of the State administration. In August 1988 the National Assembly adopted a special law according to which the State shall be held liable for any damage caused by illegitimate ruling or acts on the part of its agencies and officials. Consequently, the State should pay compensation to citizens in cases of moral or material damage caused on the part of its officials. This law provides an additional protection both to women and men alike, besides the protection provided in the Labour Code and other relevant legislative provisions.

35. After November 1989 a great number of laws containing restrictive provisions with respect to the rights of the citizen were repealed or amended and steps were taken to adopt the new democratic legislation of the country. There is not yet a special law or charter on human rights in Bulgaria. However, it is scheduled and expected to adopt such legislation at the end of the first part of the reform aimed at updating Bulgarian legislation and bringing it into accordance with international standards.

36. The Republic of Bulgaria is a party to most international instruments on human rights, as well as to the international conventions on the rights of women such as the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Political Rights of Women, the Convention on the Nationality of Married Women, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, ILO Convention No. 100 concerning equality in labour, as well as most of the other ILO conventions regarding the labour conditions of women. When it became a Member of the Council of Europe, Bulgaria acceded to the European Convention on Human Rights and some of its Protocols as well as to a number of other conventions of the European Council.

37. In light of the above, we have to point out that the rights of women are considered an integral part of the whole complex of human rights. Although there are no special laws on human rights and on equality, article 5 of the Bulgarian Constitution provides that the international instruments to which Bulgaria is a party shall be considered part of the domestic legislation. Article 5, paragraph 4, of the Constitution reads as follows:

> "Any international instruments which have been ratified by the constitutionally established procedure, promulgated and come into force with respect to the Republic of Bulgaria, shall be considered part of the domestic legislation of the country. They shall supersede any domestic legislation stipulating otherwise."

38. According to paragraph 2 of the same article "the provisions of the Constitution shall apply directly". Consequently, even without special legislative regulations all constitutional provisions relating to human rights are directly applicable.

39. There is also no special institution, including a judicial one, to monitor the observance of human rights in Bulgaria. The same applies to the observance of women's rights. This is a constitutional duty both of the judicial and other state institutions at national and local levels alike.

40. The protection of citizens' rights is done ex officio by the judicial authorities without a need for a claim from a plaintiff. The judicial procedure requires that the parties concerned bring certain violations to the attention of the judicial authorities. Both types of cases are addressed in the law. In general, in the case of penal law official interference is predominant, while in civil law a citizen's claim would be necessary. Moreover, every citizen who believes that his or her rights have been violated may request the intervention of a competent state body. In the event that such request is addressed incorrectly, it is forwarded by official channels to the competent institution.

Generally, every decision of a state body may be subject to appeal before a hierarchically higher authority. This holds true for the judicial authorities as well. If citizens are not satisfied with the decision of the body to which they had brought their appeal, they may appeal that decision.

41. As already pointed out, the equality of women with men before the law is guaranteed by the Bulgarian Constitution and other domestic legislation. In judicial practice, there are no cases of discriminatory court decision taken to the detriment of women because of their sex.

42. As Bulgaria is a party to the International Covenant on Civil and Political Rights and its Optional Protocol, and to the European Convention on Human Rights, Bulgarian citizens may also make complaints before the Human Rights Committee and the European Court of Human Rights in accordance with the relevant conditions of the above-mentioned international instruments.

Article 4: Temporary special measures to accelerate women's equality

43. No temporary measures have been passed in the Republic of Bulgaria aimed at the realization of actual equality between men and women as this right is protected at the constitutional level (see paras. 31-42 above).

44. According to article 14 of the Bulgarian Constitution, "the family, motherhood and childhood shall enjoy the protection of the state and society". Article 47(2) of the Constitution reads:

> "Mothers shall be the object of special protection on the part of the State and shall be guaranteed prenatal and postnatal leave, free obstetric care, alleviated working conditions and other social assistance."

45. The Labour Code contains a chapter entitled "Special protection of women", which regulates the prohibition of some kinds of work by women that are damaging to their health and maternity functions; the labour conditions of pregnant women; and the right of mothers with small children to work at home, with the same or other employers, until their children are six years old, while preserving their jobs or, in case of their liquidation, the employers, upon the agreement of the women, should secure them alternative employment.

46. The activities that are considered to be the detriment of women are set out in Special Regulation No. 7 of June 1993 of the Ministry of Labour and Social Affairs and the Ministry of Health. The Regulation prohibits sending pregnant women or nursing mothers to work in an environment containing some damaging elements referred to in a list attached to the Regulation. Prohibitions covered by the list comprise, inter alia, underground work in all kinds of mines, cleaning of gas mains, production of non-ferrous metals, production and repair of lead-acid batteries, production and packing of lead dyes and production of aniline dyes. The Regulation also prohibits certain work for pregnant women during the entire pregnancy period, as well as lactating mothers, such as activities connected with toxic substances emission, noise and vibration, and high temperature of the working environment. (State Gazette No. 58, 6 July 1993).

47. The Labour Code, before its last amendment in 1992, had a provision for protection against dismissal for pregnant state employees or workers, as well as those who had a child up to the age of three, or whose husband was in ordinary military service.

48. The amendment of labour legislation is justifiable as far as it is aimed towards abolishing women's privilege in the areas of hiring and contract termination. On the other hand, its application in practice, especially in the private sector of the economy, shows that sometimes the opposite occurs, that is, discrimination in the field of female employment. In a number of instances, employers prefer to fill vacancies with men or very young women, who are not bound to family and children. Difficulties with finding a job are supplemented by very high professional qualification demands which elder women cannot meet. In the past, they did not need such qualifications, nor were they available to women, because of the extensive character of some sectors in the economy where predominantly women worked. On the other hand, structural reforms in the economy required the closing of a number of ineffective enterprises or their partial liquidation, which also objectively created obstacles to the application of a preferential approach to women.

49. In spite of this, the Government of the Republic of Bulgaria recognizes the fact that the recent amendments in labour legislation create preconditions for discrimination against women with regard to employment, as well as the fact that these amendments are at variance with ILO Convention No. 3 concerning maternity protection. It is therefore envisaged that measures for possible amendments in the system concerning contract termination of pregnant women and mothers of small children on maternity leave will be considered.

Article 5: Sex roles and stereotypes

50. The traditional division of labour, that is, the roles of the sexes, is common in Bulgaria as it is in many other countries. Thus, women still perform most of the household tasks, which means that, considering the high employment rate, women still have a double workload, the shift at work being followed by another at home. (Work at home within the family is not even regarded as "proper work".) The trends characteristic of the development of Bulgarian families or households are as follows:

(a) A decrease in family size, i.e., in the number of persons per household. (According to data from a population census carried out in 1992, the average number of persons per household in Bulgaria is 2.8);

(b) A decreasing birth rate (see table 3 in chap. I above);

(c) A decreasing marriage rate (see para. 5 above);

(d) An increasing percentage of births out of wedlock (see para. 8 above).

51. Violence in the family, the victims of which are mainly its weaker members, i.e., women and children, is one of the most difficult factors to monitor and one for which few convictions result, as it is usually not reported.

52. The Penal Code of Bulgaria in its chapter two entitled "Crimes against the person" lists the following sanctions:

(a) For murder, article 115 provides for punishment with deprivation of liberty for 10 to 20 years;

(b) The infliction of bodily injury on any individual is punishable, according to article 128, with deprivation of liberty for 3 to 10 years (depending on the extent of the injuries sustained by the victim);

(c) For rape of a person of female sex, article 152 (2) calls for a punishment with deprivation of liberty for 3 to 10 years;

(d) The sexual abuse of any person less than 14 years old is punishable with deprivation of liberty for up to three years under article 149, paragraph 1, while the second and third paragraphs of the same article call for a punishment with deprivation of liberty of up to five years, and from one to six years, respectively, when the lewdness is performed through the use of force or menace, through taking advantage of the helpless condition of the victim or by reducing the victim to such condition (para. 2), or when the sexual abuse is done for a second time or represents a particularly grave case (para. 3).

53. The new draft of the Penal Code provides for raising the upper limit of punishment by imprisonment for rape to 20 years, because of more frequent cases of rape recently.

54. According to police statistics, cases of rape in 1992 and 1993 were as follows:

(a) In 1992, there were 795 rapes, of which 693 were detected;

(b) In 1993, there were 818 rapes, 724 of which were detected and the criminals captured;

(c) For the first three months of 1994, there were 137 rapes, while for the same period of the previous year there were 84.

55. All violators were men, between 18 and 30 years old, according to police analysis. Of the rape perpetrators for the first three months of this year, 86 were of this age group. The number of underaged perpetrators has increased, there were only 2 for the first three months of 1993, while now there are 23.

56. The most frequent victims of rape are women aged between 18 and 30 years old. For the first three months of this year, there were 59, and 49 were under-aged girls.

57. Of all crimes against the person, rapes are the most frequently detected. About 90 per cent of perpetrators are arrested. Up to now, there has been no instance of a man complaining of sexual offence by a woman.

58. There is an alarming tendency towards raping of minor children and of old women.

Article 6: Exploitation of prostitution and traffic in women

59. The Republic of Bulgaria is a party to the International Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others. Bulgarian legislation contains provisions envisaging punishment by imprisonment from 3 to 10 years and penalties for forcible prostitution of women and minors or for consigning premises for this purpose (under articles 155 and 156 of the Penal Code). The new draft of the Penal Code envisages a special text on souteneurs.

60. The problem of exploitation of prostitution and traffic in women has become a very serious one in recent years. There are no data on the exact figure of prostituting women since their number fluctuates. Towards the end of 1990, the police kept a record on more than 1,000 actively prostituting women: 300 of them in Sofia, 200 in Varna, 160 in Bourgas, etc. For the time being, it could be supposed that the number of prostitutes has increased many times. The main reason for that is the hard economic situation of the country and the high growth of unemployment.

61. In recent years, the traffic of prostitutes through some firms, connected with foreign ones, has been a fact. This activity is a part of organized crime in our country. According to the national police, there are over 30 firms engaged in such activities in Bulgaria, while half of them are joint ventures with foreign partners; 7 such firms are under investigation. The Central Office for Combating Organized Crime discovered channels for taking groups of people out of the country, but up to now there have been no tangible results in closing those channels because of difficulties connected with collecting evidence, including refusal to testify by offenders. There exists a cooperation to a certain extent between the police of the Republic of Bulgaria and police officers of other countries, as well as with Interpol, on exchange of information and common activities aimed at cutting off channels of traffic in prostitution. However, there have been no tangible results so far, mainly because the victims of these criminal activities are either not interested or scared to see the perpetrators indicted.

62. Six Bulgarian citizens are under investigation in Germany (Kiel) accused of persuading women to practise prostitution. Several Bulgarian citizens are under investigation in the Czech Republic (Tepliz) for the same accusation.

Article 7: Political and public life

63. The fundamental constitutional provision which ensures equality between men and women in all fields (thus also in politics and in public life) is the already-cited provision of article 6 of the Bulgarian Constitution. It is not possible to quote any specific legislative and administrative provisions pertaining to equality between men and women in politics and in public life since the whole legislation regulating both these spheres of life in Bulgaria is founded on the principle of equality between the sexes. For this reason, the fact that women have completely equal rights to those of men is not particularly stated or emphasized in individual laws.

64. The right to vote in all elections and public referendums is guaranteed by article 10 of the Bulgarian Constitution, which states:

"All elections and national and local referendums shall be held on the basis of universal, equal and direct suffrage by secret ballot."

65. Article 42 of the Constitution reads:

"Every citizen above the age of 18, with the exception of those placed under judicial interdiction or serving a prison sentence, shall be free to elect state and local authorities and vote in referendums."

66. These constitutional principles are further elaborated in the laws on elections and on the political parties.

67. The degree to which women are represented in individual political and other administrative bodies is one of the indicators of how equal the sexes are in reality. Women are predominant in some areas, i.e., in some political and public posts, while in others they are still a small minority. The higher up one climbs on the social ladder of influence and power, the less women one encounters.

68. In the present Bulgarian Parliament there are 32 women deputies out of 240 Members of Parliament, or women account for 12.91 per cent of the total number of deputies. One of the three Vice-Presidents of the Parliament is a woman. There are women in the leadership of all political parties represented in the Parliament: the Bulgarian Socialist Party, the Union of the Democratic Forces and the Movement of Rights and Freedoms. The president of the biggest agrarian party in Bulgaria is a woman. The leader of the Radical Democratic Party is also a woman.

69. In the present Government of the Republic of Bulgaria there are no women ministers. Four women are vice-ministers of the following ministries: the Ministry of Labour and Social Affairs, the Ministry of Health, the Ministry of Culture and the Ministry of Education and Science.

70. Since 1989, women have occupied ministerial posts as follows: Vice-President of the Council of Ministers, one mandate; Minister of Labour and Social Affairs, two mandates; Minister of Culture, one mandate. A woman was elected as Vice-President of the country and held that post for more than a year. The Director of the National Investigation Service is a woman, the Agency on Privatization is headed by a woman, and the National Commission on Foreign Debts was headed by a woman until recently.

71. Women occupy 30 per cent of the executive posts at the lower levels of the state administration and of state enterprises. A total of 13 per cent of the senior state officials are women.

72. The participation of women in the bodies of local power is as follows:

(a) In local administration, women are not represented at the level of local governor, of whom there are 8. Out of 8 vice-local governors one is a

woman (13 per cent). Out of 255 mayors of municipal communities, who were elected by the population of the respective communities, 20 are women (8 per cent). Out of a total of 3,905 mayors of small inhabited districts, who were elected by the population of the respective districts, 522 are women (13 per cent). The percentage of women in the mayoralties (both in the executive and the administration) amounts to 47.6 per cent;

(b) In local self-government, of the community municipal councillors, elected by the population of the respective communities, 20 per cent are women and women comprise 61 per cent of the community municipal administration;

(c) Out of 255 chairpersons of community executive councils, elected by the respective community executive councils by a secret ballot, 40 are women (16 per cent);

(d) Women are significantly represented in the judiciary and as public prosecutors. As of 1 January 1993, 257 of all employees of the regular courts of first instance, 228 of the judges of the courts of second instance and 32 of those in the Supreme Court were women. Of 495 public prosecutors, 243 are women, or almost 50 per cent. Of these, 30 work at the Chief Prosecutor's magistracy, while 2 of them are heads of department (25 per cent of all heads of departments). Of the public prosecutors of second instance, 8 are women and 17 of the deputy public prosecutors of second instance are women.

Article 8: International representation and participation

73. In view of the provision of article 48 of the Constitution of the Republic of Bulgaria, which guarantees the free choice of employment to every citizen, women have equal rights to those of men to represent their Government at international level and to cooperate in the work of international organizations.

74. There are 38 women diplomats in the Bulgarian embassies abroad, which makes up 9.5 per cent of the total diplomatic staff abroad. Among these, 3 women are ambassadors, 3 are plenipotentiary ministers, 6 are counsellors, 11 are first secretaries, 7 are second secretaries, 6 are third secretaries and 2 are attachés. There are 66 women working in the administration of the embassies. Women account for 26 per cent of the total diplomatic staff in the Central Building of the Ministry of Foreign Affairs in Sofia, among which 3 are heads of department and 3 are deputy heads of department.

Article 9: Nationality of married women

75. The law on Bulgarian citizenship is in conformity with the relevant provisions of the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Nationality of Married Women, to which Bulgaria is a party. The above-mentioned law accords equal rights to all persons regardless of sex. Neither the celebration nor the dissolution of a marriage between a Bulgarian citizen and an alien, nor the change of nationality by the husband during marriage, shall automatically affect the citizenship of the wife. Chapter one of the law defines the way in which one may gain Bulgarian citizenship: by birth, by being born in the Republic of Bulgaria, and through naturalization, i.e., by being granted citizenship through application.

With the amendment adopted in 1986, the law on Bulgarian citizenship admits double citizenship.

Article 10: Education

76. In principle, education at all levels is free of charge in Bulgaria. Recently, paid education was also introduced for students who were enrolled additionally without passing an entrance examination. Education in private schools, colleges and other private educational institutions is not free of charge.

77. The State has instituted social measures to assist pupils and students, such as granting of scholarships, providing some boarding houses and cafeterias, special health services, etc.

78. Girls account for 50.4 per cent of the total number of pupils in secondary schools and for 47.6 per cent in technical secondary schools. Women make up 74.1 per cent of the total number of students in higher grade institutes and 54.3 per cent in the universities, academies and other educational institutions of academic degree.

79. Generally, Bulgarian women have a high level of education. They account for 55.6 per cent of the total number of economically active persons with an academic education, for 72.4 per cent of those with higher grade education, 50.5 per cent of those with special secondary education, 52.1 per cent of those with secondary education and 47.1 per cent of those with primary or basic education.

80. In 1990, women accounted for 80 per cent of the teachers, 42 per cent of the postgraduate scholars (54 per cent in the humanities), and 40 per cent of the scientists in the humanities and in medicine.

81. As of 31 December 1991, the percentage of women scientists in different branches of science is as follows:

(a) In technical sciences, women make up 28.6 per cent of the total number of scientists, 5.26 per cent of those with doctorates and 30.43 per cent of the professors;

(b) In medicine, women make up 48.22 per cent of the total number of scientists, 12.66 per cent of those with doctorates and 54.86 per cent of the professors;

(c) In biology and biotechnics, women make up 41.56 per cent of the total number of scientists, 7.26 per cent of them have achieved doctorates, and 36 per cent are professors;

(d) In the agricultural sciences, women account for 33.78 per cent of all scientists and for 10.34 per cent of the professors;

(e) In social sciences, women make up 51.88 per cent of the total number of scientists, 15.73 per cent of those with doctorates and 64.45 per cent of the professors.

82. As of 31 December 1992, of the total of 264,012 persons employed in the field of education, 201,801 were women. As of 31 December 1993, the figures were 258,372 and 198,752 respectively, which amounts to 77 per cent.

83. Girls and boys have equal access to buffets, cafeterias and other social institutions. Women have equal rights with men to apply for state scholarships.

Article 11: Employment

84. Articles 48 to 51 of the Bulgarian Constitution are in direct relation to this subject. These articles proclaim the right to work, while the State undertakes the responsibility to ensure labour conditions that are conducive to the exercise of that right. Article 48 reads:

"(1) Citizens shall have the right to work. The State shall take care to provide conditions for the exercising of this right.

"(2) The State shall create conditions conducive to the exercise of the right to work by the physically or mentally handicapped.

"(3) Everyone shall be free to choose an occupation and place of work.

"(4) No one shall be compelled to forced labour.

"(5) Workers and employees shall be entitled to healthy and non-hazardous working conditions, to guaranteed minimum pay and remuneration for the actual work performed, and to rest and leave, in accordance with conditions and procedures established by law."

85. Article 51 reads:

"(1) Citizens shall have the right to social security and welfare aid.

"(2) The State shall provide social security for the temporarily unemployed in accordance with conditions and procedures established by law.

"(3) The aged without relatives and unable to support themselves, as well as the physically and mentally handicapped, shall enjoy the special protection of the State and society."

86. There is no difference made in these constitutional provisions with respect to men and women, since equality between the sexes derives from the provisions of article 6 of the Constitution. Consequently, the terms "citizen" and "person" used in the provisions of articles 48 and 51 apply equally for men and women alike. The same is valid for the domestic labour legislation unless in the cases specifically referring or related to women.

87. A basic law in the field of labour and employment is the Labour Code, which was adopted in 1986, and amended in 1992 with a view to updating it to the conditions of the transition period from a centrally planned to a market economy. This law regulates the relations between workers or employees and their employers.

88. In accordance with the Labour Code, women have equal rights with men with respect to employment. An amendment of the Labour Code repealed the provision of the former article 306 according to which, under other equal conditions, women should have priority in employment at working places suitable for them. These working places were mentioned in a special list elaborated and accepted by the Ministry of Labour and Social Affairs, the Ministry of Health and the headquarters of the trade unions. The list used to be updated at least every three years.

89. As already mentioned, the Labour Code contains a chapter entitled "Special protection of women". For a description of the protection afforded therein, see paragraphs 45 and 46 above.

90. Employed women are entitled to paid leave for pregnancy and childbirth, or adoption as follows (45 days are taken prior to the birth):

First child, 120 days

Second child, 150 days

Third child, 180 days

Every next child, 120 days each.

91. After that paid leave expires, and provided the children are not put into a child-care institution, employed women are entitled to paid leave for rearing a first, second and third child until the child is two years old, and to six months leave for each next child. During this additional leave, mothers (or adoptive mothers) are paid financial compensation under terms and conditions and at a rate defined by a separate law. The amount of leave time depends on length of service.

92. After the child is two years old, an employed mother is entitled to unpaid leave until the child is three years old, provided the child does not attend a kindergarten. This leave time also depends on length of service.

93. If the mother so wishes and upon her consent, the entitlement to unpaid leave may be exercised also by the father, or his or the mother's parents.

94. The entitlement to compensation at pregnancy, childbirth and adoption is valid only if social insurance is available. In the case of labour contract termination or insurance termination up to six months before birth, compensation is paid not by the State Social Insurance but by the regional centres of social care. This is valid also for women who have completed their secondary, college or higher grade education up to six months prior to childbirth.

95. The compensation entitlement for unmarried mothers does not depend on social insurance availability. They are entitled to twice the ordinary sum of family allowance and it is paid by the regional centres of social care.

96. As mentioned above, the Labour Code used to include provisions for dismissal protection for pregnant women in some cases. For details, see paragraphs 47 to 49 above.

97. In cases of unlawful dismissal, women, equally with men, can demand their rights from their employer through the court. In recent court practice, there have been a number of cases of restoring dismissed employees (both men and women) to their old jobs and paying due compensation under court order.

98. In spite of the high unemployment rate, women still constitute almost half of the persons employed under labour contract in state and cooperative enterprises, which is evidenced by National Employment Office data for 1992 and 1993, presented in table 5 below:

Table 5. Employment of women by sector

Sector	1992		1993	
	Total	Women	Total	Women
Total	2 498 256	1 292 378	2 124 809	1 108 110
Industry	963 064	464 891	839 178	393 802
Construction	160 080	33 551	121 708	26 394
Agriculture	301 773	128 340	164 920	63 059
Forestry	15 858	5 625	11 686	3 715
Transport	167 180	39 098	150 721	34 711
Communications	44 256	28 198	44 546	28 116
Trade, material and technical supply and purchase	160 823	107 835	129 246	85 683
Other branches of material production	15 02[illegible]	8 826	12 022	7 162
Communal housing economy	48 181	20 047	47 104	18 831
Science and science attendance	45 268	24 174	35 577	19 466
Education	264 012	201 801	258 372	198 752
Culture and art	29 377	18 611	28 785	18 146

Sector	1992		1993	
	Total	Women	Total	Women
Public health, social insurance, sport and tourism	200 514	156 440	194 711	152 824
Finance, credit and insurance	32 956	26 181	28 978	23 104
Management	46 973	27 198	54 697	32 816
Other branches of non-production sphere	2 653	1 562	2 558	1 529

Source: National Employment Office.

99. In 1992, the percentage of women employed in the State sector of the economy was 48.7, and in 1993 it was 48.2. In the private sector of the economy the percentage of women was 40.5 for 1992 and 41 for 1993.

Protection for the unemployed

100. Unlike employment, unemployment issues have not yet acquired a legislative solution. The right to financial compensation and social aid when unemployed, the circle of persons so entitled, the size, terms, channels and conditions for acquiring such entitlements, the sources for providing these payments and other issues of unemployment, are normally settled by Government Decree No. 57 of 5 December 1989. That Decree was amended and supplemented by Decree No. 102 of 1990, and Decree No. 110 of 1990, which was amended and supplemented three times in 1991. The amendments and supplements to this basic normative document continued in 1992.

101. Normative documents regulating issues connected with unemployment of women do not contain any discriminative or restrictive provisions, nor do they grant privileges to women. These documents are based on the principle of equality between the sexes in conditions of unemployment.

102. For the present, the only normative document containing measures directly oriented towards employment stimulation and decrease of unemployment is Government Decree No. 110 of 13 June 1991. It contains neither privileges for women nor discriminative restrictions towards them. It also recommends the use of different forms of flexible employment. For example, by means of the Professional Qualification and Unemployment Specialized Fund, employers are encouraged to open new work places, benefiting from credits at an interest rate 10 points lower than the basic one, to employ unemployed young people, graduates from higher schools, colleges and specialized secondary schools, for a certain period of time (three to six months), benefiting from the Fund to the amount of up to 80 per cent of the minimal salary for each person for the time he or she has been at work. Self-dependent employment is encouraged by creating

possibilities for registered unemployed to receive the total compensations and aids they are entitled to outright, provided they start an independent business by themselves or in partnership with others.

103. The high unemployment rate is still one of the hardest problems of Bulgaria. Owing to the fall in production and the relatively small part played by the private sector, unemployment is still rising. According to data of the National Employment Office, by 30 December 1993 the registered unemployed numbered 626,141, 327,740 of which were women. The highest unemployment rates are in industry and agriculture, 155,028 (of which 89,833 are women) and 133,192 (89,833 of which are women) respectively.

104. Table 6 presents some data on unemployment by sector:

Table 6. Registered unemployed persons as at 30 December 1993 by sector, according to their last job

Sector	Registered unemployed persons	
	Total	Women
TOTAL (only unemployed who have ever had a job included)	529 508	278 825
Industry	155 028	89 833
Construction	29 673	8 698
Agriculture	133 193	64 229
Forestry	5 636	2 514
Transport	13 782	4 538
Communications	964	653
Trade, material and technical supply and purchase	33 772	21 959
Other branches of material production	33 940	17 006
Communal housing economy	3 856	1 859
Science and science attendance	22 210	10 985
Education	33 475	22 340
Culture and art	2 727	1 578
Public health, social insurance, sport and tourism	10 661	8 035
Finance, credit and insurance	673	482
Management	6 565	3 340
Other branches of non-production sphere	43 353	20 776

Source: National Employment Office.

105. Table 6 includes only registered unemployed persons who have ever had a job in the respective sectors of the economy. Table 7 presents data supplied by the National Statistical Institute on the real state of employment and unemployment of the population, by type of place of residence (15 or more years at the same place), sex and economic activity, as at November 1993.

Table 7. Employment situation by type of place of residence

(Thousands)

	Total	Workforce		
		Total	Employed	Unemployed
TOTAL	6 880.6	3 809.3	2 994.6	814.7
Males	3 341.9	2 020.8	1 599.4	421.3
Females	3 538.7	1 788.5	1 395.2	393.4
Urban	4 602.7	2 757.2	2 219.4	537.8
Males	2 224.9	1 433.3	1 160.8	272.6
Females	2 377.8	1 323.9	1 058.7	265.3
Rural	2 277.9	1 052.1	775.2	276.9
Males	1 117.0	587.4	438.7	148.8
Females	1 160.9	464.6	336.5	128.1

Source: National Statistical Institute.

106. Table 8 below contains data on rates of population's economic activity, employment and unemployment by type of place of residence and sex as follows:

Table 8. Rates of economic activity, employment and unemployment

	Persons outside workforce (thousands)	Economic activity rate	Employment rate	Unemployment rate
		(percentage)		
TOTAL	3 071.3	55.4	43.5	21.4
Males	1 321.2	60.5	47.9	20.9
Females	1 750.1	50.5	39.4	22.0
Urban	1 845.5	59.9	48.2	19.5
Males	791.6	64.4	52.2	19.0
Females	1 053.9	55.7	44.5	20.0
Rural	1 225.8	46.2	34.0	26.3
Males	529.6	52.6	39.3	25.3
Females	696.2	40.0	29.0	27.6

Source: National Statistical Institute.

107. Table 9 presents data on female unemployment.

Table 9. Female unemployment in the State and private sectors of the economy, as at September 1993

Unemployed females per 100 males in state sector:	98.6%
Unemployed females per 100 males in private sector:	82.2%
Unemployed females, who have worked in state sector, by total unemployed who have worked in state sector:	49.6%
Unemployed females, who have worked in private sector, by total unemployed who have worked in private sector:	45.6%

Source: National Statistical Institute.

108. Each unemployed person receives compensation, its duration depending on age and length of service, as shown in table 10 below.

Table 10. Unemployment compensation

Length of service	Age	Period
up to 5 years	of no difference	6 months
over 5 years	up to 40	7 months
over 5 years	over 40	8 months
over 10 years	over 45	9 months
over 20 years	over 51	10 months (men) 12 months (women)

109. Besides unemployment compensation, qualification and requalification courses are organized for the unemployed. In 1992, the total number of graduates from such courses, schools and other means of qualification was 105,888, females accounting for 32,734. Obviously, this proportion is not satisfactory. At the same time, it would be premature to jump to the conclusion that this indicates discrimination against women in opportunities to attend qualification and requalification courses since such courses are voluntary.

110. A difficult problem for women remains their domestic overburden, including care of elderly parents, which is a traditional task of Bulgarian women. Services provided by the social care system such as institutions for the handicapped, home social patronage, and communal soup-kitchens for the socially vulnerable groups of the population, do alleviate women's great family assignments to some extent, but are insufficient. Besides, social care offices are experiencing considerable financial hardships, although the Government is spending a considerable part of the budget for social needs.

111. According to the legislation in force, in principle women are entitled to a retirement pension at the age of 55, and men at the age of 60.

112. Table 11 presents data on the number of pensioners by sex for 1992 and 1993.

Table 11. Pensioners by sex

	1992	1993	1992	1993
	Number		Per cent of population	
Total	2 332 756	2 333 378	27.5	27.6
Males	1 024 375	1 021 536	24.6	24.6
Females	1 308 381	1 311 842	30.3	30.5

Source: National Statistical Institute.

Article 12: Health

113. In the Republic of Bulgaria health care is free of charge. Gradually, private practice by doctors is developing. In the transition period, the free-of-charge medical care system is facing a lot of difficulties as a result of the country's severe economic and financial crisis. A number of hospitals are experiencing a chronic lack of funds to buy the necessary medical equipment and medicines, as well as to cover the expenses to maintain the entire treatment process, including feeding the hospitalized patients. A draft law on an overall reform of the public health service in conformity with a market economy has been submitted to the Parliament, but has not yet been discussed.

Special protection of maternity and children

114. The present Public Health law and its application strictly abide by the principle of non-discrimination. It contains special provisions for preserving the health of pregnant women, mothers and children. Almost all childbirth in the country is carried out in medical institutions. Up to 1988, infant mortality decreased considerably (13.5 per 1,000 live births). Since 1989, infant mortality rate has started to increase, as evidenced by the data shown in the following tables showing child and infant mortality indicators for the period 1989 to 1993.

Table 12. Infant deaths under the age of one

	1989	1990	1991	1992	1993
Total	1 614	1 554	1 624	1 420	1 310
Urban	1 012	1 020	1 075	936	865
Rural	602	534	549	484	445

Source: National Statistical Institute.

Table 13. Infant mortality

	1989	1990	1991	1992	1993
	(per 1,000 live births)				
Total	14.4	14.8	16.9	15.9	15.5
Urban	12.9	13.8	16.4	15.4	14.9
Rural	17.9	17.1	18.1	17.0	16.9

Source: National Statistical Institute.

115. Since the early 1980s, a tendency towards an increase in the premature birth rate, which has a decisive role in infant mortality, has emerged. This is the result of a number of complex reasons, but above all to early marriage; early and premature fertility; high abortion rate; lack of sufficient knowledge on contraception; unemployment and the related unsatisfactory and unbalanced nutrition levels; and unsatisfactory living and working conditions for a considerable part of the pregnancy. The lack of sufficient means for buying couveuses, where prematurely born infants are reared, as well as other kinds of appliances poses a serious problem.

116. In recent years, the number of abortions in Bulgaria has been considerably higher than the number of births. In 1991, there were 44.6 births and 64.9 abortions per 1,000 females of fertile age. This tendency causes a serious concern about the country's general demographic situation, as illustrated in table 14.

Table 14. Abortion

Year	Births	Abortions
1980	129 176	150 056
1985	119 740	132 269
1986	120 794	134 964
1987	117 392	134 097
1988	118 138	133 097
1989	112 953	132 021
1990	105 821	144 644
1991	96 522	138 405
1992	89 788	132 891
1993	84 987	105 932

Source: National Statistical Institute.

117. Desired abortions constitute the highest percentage, followed by miscarriages and therapeutic abortions. More than a half of abortions are performed on women between the ages of 20 and 29. The tendency towards an increase in the number of abortions among young girls (under the age of 20) also presents a serious problem.

Table 15. Number of abortions by age

	1989	1990	1991	1992	1993
Total	132 021	144 464	138 405	132 891	105 932
Under 20	12 052	14 344	12 724	14 024	...
20-34	97 738	107 237	102 540	97 895	...
35+	22 231	23 063	23 141	20 972	...

Source: National Statistical Institute.

Table 16. Abortion rate by age

(per 1,000 live births)

	1989	1990	1991	1992	1993
Total	1 169	1 367	1 434	1 480	1 246
Under 20	510	633	561	634	...
20-34	1 144	1 349	1 452	1 515	...
35+	5 702	6 223	7 164	6 842	...

Source: National Statistical Institute.

118. Data on maternal mortality is presented in tables 17 and 18.

Table 17. Maternal mortality by age

	1989	1990	1991	1992	1993
Total	21	22	10	19	12
Under 20	12	9	5	13	8
20-34	6	10	3	2	2
35+	3	3	2	4	2

Source: National Statistical Institute.

Table 18. Maternal mortality rate by age

(per 100,000 births)

	1989	1990	1991	1992	1993
Total	18.6	20.8	10.4	21.2	14.1
Under 20	50.8	39.7	22.0	58.8	37.8
20-34	7.0	12.6	4.2	3.1	3.3
35+	76.9	80.9	61.9	130.5	65.4

Source: National Statistical Institute.

119. Until 1991, there was a tendency towards a decrease in maternal mortality rates. For example, in 1991 the rate was 10.4 per 100,000 live births compared to 25 in 1986. In 1992, it rose to 21.2, and it again decreased in 1993 to 14.1. Although, as a whole, there is a tendency towards decrease of maternal mortality in Bulgaria, it remains high in comparison with Western European countries. Basic reasons for this are complications related to pregnancy, birth and the after-birth period; bleeding; and abortions. Last but not least, unfavourable living or working conditions, unbalanced nutrition, as well as unsatisfactory preventive activity by women's health centres should be stressed.

Specialized health education: family planning

120. In Bulgaria, health education has not so far been efficient enough in relation either to family planning or to child-rearing. Mass media are insufficiently used, as are other means and forms of mass influence.

121. The basic reason for this situation is the severe economic and financial situation of the country. There is a shortage of funds to finance projects in this line and the efforts of the respective competent institutions are therefore directed to drawing funds from international organizations.

122. For example, within the framework of the Action Plan for Coordinated Aid to Poland and Hungary (PHARE) programme and the European Community it is expected to develop a national family planning programme with the means granted by PHARE being used to ensure recognition of family planning in training programmes for students and medical personnel, and for preparing information leaflets and audio-visual programmes.

Venereal diseases and acquired immunodeficiency syndrome (AIDS)

123. The 1985-1993 period showed a tendency towards a decrease of the number of cases of venereal disease. In 1986, registered syphilis cases were 4,624, or 51.6 per 100,000. In 1991, registered cases of the same disease decreased to 2,515, or 28.0 per 100,000.

124. Data on registered cases of venereal disease and AIDS for 1992 and 1993 are presented in table 19.

Table 19. Venereal disease and AIDS

	1992	1993	1992	1993
			(per 100 000)	
Syphilis	2 908	2 839	34.1	33.5
of which new-found cases	635	899	7.4	10.5
including women	301	394	-	-
Gonorrhea	6 008	3 687	70.3	43.5
of which new-found cases	4 975	3 131	58.3	37.0
including women	376	858	-	-
AIDS	18	24	0.2	0.3
including women	6	8	-	-

Source: National Statistical Institute and Ministry of Health.

Drug abuse problems

125. Data on drug dependency and abuse are presented in table 20.

Table 20. Drug-dependents and drug-abusers under regular check-up in psychiatric clinics

	1989	1990	1991	1992	1993
Total	1 276	1 311	1 304	1 291	1 104
per 100 000	14	15	15	15	13

Source: National Statistical Institute.

126. No precise data are available on how many of the registered cases of drug dependency are female. In 1991, approximately one third of the 1,304 persons under regular check-up in specialized hospitals were female.

Article 13: Social and economic benefits

127. One of the forms by which the State provides assistance to children is a monthly family allowance for children up to the age of 16. It is paid in addition to salary, sick-leave compensation or pension. The allowance is given

to the mother, or to the father if the mother does not work. Unmarried mothers receive a monthly family allowance even if they have no job. Students who are mothers also receive a monthly family allowance, in addition to a one-time financial aid, and later - to the special scholarship at childbirth, until they graduate. The father is also entitled to a monthly family allowance, provided he, and not the mother, is the student.

128. Women have equal rights with men to make use of the system of rest houses and hotels in holiday resorts, at reduced prices. Girls have equal rights with boys to make use of student summer camps.

129. Women have equal rights with men to receive bank credits from the State. Credit Activities Regulations of the State Savings Bank create opportunities to receive credit to build or purchase a house for current expenses, to purchase movable property, for individual farm development, for medical treatment abroad, etc. Young newly wed couples (one of the spouses must be under the age of 35) are entitled to credit from the State at 30-year acquittal term. Unmarried mothers are entitled to credit under more favourable conditions. At the birth of a second child, 3,000 leva are remitted from the outstanding loan, and at the birth of a third child another 4,000 leva are remitted.

130. Persons working in the rural economy are entitled to loans at a lower interest rate with a view to stimulating agricultural production. Women employed in the rural economy have equal rights with men to obtain such credits.

Article 14: Rural women

131. In Bulgaria, women comprise 35.8 per cent of the total number of graduates from technical and vocational agricultural schools. Their share of the total number of the graduates from schools teaching agricultural mechanization and electrification, a traditionally male sphere of activity, is 10 per cent. Women comprise 68.9 per cent of the total number of agriculture specialists, 70 per cent of agronomists and 48.6 per cent of veterinary surgeons.

132. As a result of agrarian reform, i.e., the reversion of land to its owners or to their heirs and liquidation of cooperative and state farms, employment in the rural economy has decreased considerably. Women have been especially affected.

133. Owing to the slow pace of agricultural reform (up to the present, ownership has been reversed for only 25 per cent of the land and approximately the same percentage of the owners have taken part of the land for provisional use), work opportunities in the rural economy are very restricted. In villages, some of the women work in newly formed cooperative groups of persons who have received their land for provisional use, others have taken land on lease, and a small number have managed to create their own farms, mostly family ones. Working conditions are still very hard because of lack of sufficient means to purchase the necessary modern technology, fodder, and fertilizers for land cultivation and for cattle-breeding development.

134. As mentioned above, Parliament passed a law for granting credits under more favourable conditions for the period 1993-1994 to those employed in the rural

economy with a view to stimulating agricultural production. This is valid to the same extent for both men and women. Agricultural credits for Bulgaria are granted through international organizations, for example, by the European Community, but they are not enough to solve the hard problems faced by the agricultural sector in Bulgaria.

135. Investigation and research by the Institute of Agricultural Economy and Organization show that rural women carry much heavier burdens than men. They have about 25 per cent less free time than men. In rural regions, women spend approximately 5.5 times more time on housework than men. A large part of their time is spent on rearing children. Men use their leisure time for visiting sport events, pubs and cafes, and for talking.

136. The reasons for this situation are rooted in the low technological level involved in performing domestic tasks; traditional distribution of household family duties between males and females, which, especially in villages, assigns women the greater part of those duties; and the often long working hours in the fields or farm or in bookkeeping, etc. Moreover, the infrastructure of services and the social and health networks are considerably less developed in rural regions. This often makes it necessary to travel to other settlements which wastes time, and also raises the cost of the services.

137. Another circle of problems faced by rural women is connected with labour participation and division of responsibility between the two spouses under the conditions of the market economy in agriculture. While in agrarian cooperatives the opportunity for specialization and for regulating working hours (without neglecting the individual farm) is preserved, this is hard for women on private farms and leads to an increase in their working hours depending on the amount of work and on the season.

138. Rural women's problems are rather complex and it is difficult to expect them to be solved in the forthcoming years, bearing in mind the overall state of the country's economy. In spite of this, these problems demand that a long-term programme to solve them be approved.

Article 15: Equality before the law

139. As already mentioned in paragraph 31 above, the equality of women with men in the eye of the law is guaranteed by article 6 of the Constitution of the Republic of Bulgaria. On the basis of this constitutional principle, the entire domestic legislation of the country guarantees the equality of women although usually laws dealing with individual rights do not explicitly state that women have equal rights with men. This is valid in the field of civil law as well. In the Republic of Bulgaria, women equally with men have at their disposal all the statutory legal means for the defence of their subjective rights.

140. Women have equal rights with men to enter into contracts on property or other issues, to appear before court as claimants or plaintiffs, as counsels for the defence in clients' suits or as their attorneys. The entire legislation and the judicial practice are based on the principle of equality of the sexes. In judicial practice, there are no cases of discriminatory court decisions taken to the detriment of women because of their sex.

141. Women have equal rights with men in relation to freedom of movement and choice of residence and place of settlement.

Article 16: Marriage and family law

142. The aim of the Family Code is the protection and consolidation of the family, multifaceted development of personalities, development of relations of mutual support, and feelings of devotion and respect among all family members. Women's equality in family relations is one of the basic principles of the Family Code, covering all fields of family relationships (article 3 of the Code). This equality of the sexes begins with entering into a marriage and continues in rights and obligations as spouses, parents and other members of the family (for example, equality of the rights of the children, whether they are marital, extramarital, adopted or stepchildren). This principle is elaborated in separate decrees of the Family Code.

143. Mutual consent of the man and the woman, given in person and at the same time in front of a civic official, is necessary to contract a marriage. Only after an affirmative response from their side is a marriage certificate drawn. The certificate is signed by both the man and the woman, by two witnesses and by the official (article 10, paragraph 2 of the Family Code).

144. There are no provisions for restrictions or impediments based solely on the sex of the persons to be married. The minimum age for marriage is the same for both men and women: age 18 or above. However, by permission of the court, a marriage may also be contracted at the age of 16 (article 12). Marriage impediments are also the same (article 13).

145. Men and women are free to choose their family name when the marriage certificate is drawn up. Each of them may keep his or her family name, or adopt the family name of the other, or add it to his or her own name.

146. The equality of rights between spouses is elaborated both inside the family (in their personal and property relations) and in their relations with third parties. Article 14 reads "Spouses have equal rights and obligations". Equality of rights means making full and thorough use of the personal freedom and independence of the marriage partners; equal rights in bringing up the children; equal rights to represent the family; equal rights over family property; equal rights in making use of the family property and the personal property placed at the family's disposal by both partners; and equal rights and freedom to choose an occupation and a place of residence. Equality of rights is proved by joint and equal practising of these rights. To this effect run the texts of the Family Code concerning the joint disposition by both spouses of the common chattels and immovable property and rights over them (article 22, paragraph 2); the obligation of under-age children to live with their parents (article 71, paragraph 1); the exercising of parents' rights and obligations by both parents together and separately (article 72), etc.

147. Equality of obligations is concretely revealed in:

(a) Article 16, which rules on living together of the spouses, unless significant reasons impose separation. Living together is mutual and voluntary;

there is no obligation for the wife to follow her husband. Living apart, imposed by valid reasons such as prolonged illness, mobilization, ordinary military service, a prolonged business trip and the like, is not considered as a breach of marriage;

(b) Article 17, on the free choice of occupation by both spouses. The legislation in force (Commercial Law) provides no restrictions for a married woman in carrying out commercial activity;

(c) Article 18, on the obligation of the spouses by mutual agreement and common efforts, and according to their abilities, property and income, to make provisions for family welfare and to take care of rearing, bringing up and providing for the children. This also contains the obligation for mutual care between spouses, especially in case of illness, disability, exceptional workload at one's job, or under extraordinary circumstances. In these cases a spouse needs direct care and failing to provide it is considered to be a breach of marital obligation.

148. Connected with this is article 25, according to which family expenditure is covered by both spouses. Therefore, the wife may also manage or dispose of money or assume obligations for the family without having to receive any cooperation or consent from her husband.

149. Joint liability is prescribed for the obligation of each of the spouses to a third party, if this obligation is assumed for satisfying family needs (article 25, paragraph 2).

150. According to Bulgarian family law, from the moment of entering into marriage, by virtue of the law there arises a community of property which includes subsequent acquisitions resulting from common contribution of belongings and rights over them, as well as of bank deposits (article 19, paragraph 1). There is an explicit text on the common contribution, which reads that a common contribution is considered to be not only the one expressed in investment of means and work but also the one expressed in child care and household work (article 19, paragraph 2). This provision is directed above all towards the wife and is a manifestation of the principle of equality of a women with a man in marriage.

151. Spouses have equal rights of possession, use, disposal and management over common property. Each of them may engage in management of the property and disposing of property is performed mutually by both spouses. As regards bank deposits, there is a special provision according to which a deposit is disposed of by the spouse in whose name it is opened. However, when his or her disposing action presents a threat to the interests of the family or the other spouse, at her or his request a court may decree these acts to be performed by mutual consent of both spouses (article 22).

152. Treatment of personal property (articles 20, 21, 23, 24 and 29 of the Family Code) does not afford any discrimination regarding the wife's personal property acquired before or in marriage. Each of the spouses is provided full freedom of disposing of her or her personal property. There is a restriction on disposing of the family home, which may be a personal property of one of the

spouses; he or she may dispose of it only upon consent of the other spouse, and, if there is no such consent, only upon permission by the regional court, after ascertaining that it is not to the disadvantage of the children and the family (article 23).

153. After dissolution of a marriage by divorce, each of the spouses has the right to receive a part of the value of the other spouse's belongings to exercise an occupation and also of his or her takings, provided they were acquired in marriage, have a considerable value and she or he has contributed to their acquiring by her or his work, means or work in the household.

154. In division of community property, both spouses' shares are equal (article 27). The law makes explicit provision for those cases in which the respective spouse has the right to claim a greater share of the common property, namely when he or she is responsible for the rearing and bringing up of under-age children and this raises particular difficulties for him or her; and when his or her contribution to the acquisition of the property considerably exceeds the other spouse's contribution.

155. In the field of relations connected with parentage, the law provides for both the right of the father to contest his fatherhood, and the right of the mother to contest that her husband is the child's father; this claim may be lodged by the mother up to a year after the birth (article 33, paragraphs 1 and 2). There is also an explicit provision that fatherhood cannot be contested when the mother, upon her husband's written consent, has been artificially inseminated or has given birth to a child conceived by another woman's genetic material (article 33, paragraph 4).

156. Rights of parents are also equal with regard to claiming a child. This may be done by either parent, on the part of the mother or the father or both, provided the child is of unestablished origin.

157. Equality of the mother and the father in their mutual obligations to the children and in their relations to the children is proclaimed in article 68: "Parents are obliged to take care of their children and to make them ready for socially beneficial activity". In these cases, the law mentions parents, disregarding their gender. In exercising parental rights and obligations, the principle of full equality of the mother and the father is absolute. Parents act "together and separately" in exercising parental rights. Whenever a dissention between the two parents arises which cannot be overcome within the family, the controversy is settled by the regional court.

158. Each of the parents may represent his or her under-age children by him or herself, and may also manage their property and, respectively, give consent to legal actions of such children when, of course, it is to their benefit (article 73).

159. Providing for the children is an obligation of both parents, on condition that the clauses of article 82, paragraph 1, are applicable, i.e., the children have not yet come of age.

160. The prerequisites in the Family Code (article 79) by which a spouse is obliged to pay the other an allowance are identical for both sexes; the recipient must be incapacitated and unable to support him or herself on his or her property, and the contributor must be able to give an allowance. In cases of divorce or marriage annulment, the right to an allowance is given only to the spouse who is not guilty (article 83 and article 98, paragraph 1). Again the criterion is not connected with the gender either of the receiving or of the contributing former spouse.

161. Both the wife and the husband have equal right to claim marriage dissolution. The legal consequences of the marriage dissolution are also identical. There is no prohibition against the wife entering into a new marriage for a certain time after the marriage dissolution.

162. Bulgarian legislation has no provisions of different rights and obligations for men and women in the field of adoption, guardianship or trusteeship.

163. At adoption, there is an explicit provision requiring the consent of both parents of the adopted child and of the spouse of the adopter, unless they are incapacitated or of unknown place of residence.

IV. CONCLUSIONS

164. As pointed out in the previous chapter, the principle of equality of women with men is enshrined in the Constitution of the Republic of Bulgaria, adopted in 1991 by the Grand National Assembly. There are no restrictions of human rights because of sex. There are no public spheres of activity preserved for men or women only. There are a few well-grounded legislative restrictions with respect to women's employment only in certain branches of industry that may endanger the maternity functions of women. Women enjoy civil, political, economic, social and cultural rights identical with those of men. Women now predominate in certain fields which were previously regarded as traditionally male domains or which were dominated by men (for example, the court and the prosecutor's office). In some respects, women still continue to enjoy more favourable treatment than men (for example, with respect to conditions of retirement).

165. Meanwhile, we have to stress that, in view of the present economic and financial situation, the priorities of the policy of the Bulgarian Governments since 10 November 1989 are the structural reforms of the economy and the alleviation of their negative effects in the social sphere. Pensioners and the handicapped have proved to be the most vulnerable groups during the social transition. There is no special policy with respect to women. Only some measures for alleviating the situation of women in the framework of the general government policy in the social sphere could be mentioned.

166. On the other hand, it is obvious that the <u>de jure</u> equality of women with men does not automatically lead to their de facto equality in all spheres of political, economic and public life, despite the official policy aimed at the strict implementation of the principle of equality of the sexes.

167. Although they are employed in almost all spheres of the political and economic life of the country, the great potential of women, for example their high level of education and professional qualification, is not efficiently used. An example of this is their unsatisfactory representation, as compared to that of men, at the highest level of the decision-making process in almost all spheres of life.

168. It is true that women are more affected than men by unemployment. However, the small difference in the rates of unemployment between men and women, namely 1.1 per cent to the detriment of women in 1993, cannot be used as grounds for arguing that a feminization of unemployment is observed in Bulgaria.

169. At the same time, it should be stressed that, in the opinion of some women's non-governmental organizations, the unemployment period for women is considerably longer than the one for men. These organizations advance the view that there is a marked tendency towards feminization of poverty in Bulgaria.